

Inventors: Huse and Freedman
Serial No.: 09/169,048
Filed: October 8, 1998
Page 2

Claims 1 through 38 have been restricted into the following groups:

- Group I: Claims 1 to 9, drawn to a method for determining binding of a receptor to one or more ligands;
- Group II: Claims 10 to 18, drawn to a method for determining binding of a ligand to one or more receptors;
- Group III: Claims 19 to 25, drawn to a second method for determining binding of a ligand to one or more receptors;
- Group IV: Claims 26 to 31, drawn to a method for identifying an optimal binding ligand variant; and
- Group V: Claims 32 to 38, drawn to a second method for identifying an optimal binding ligand variant.

Election of one of the inventions is required under 35 U.S.C. § 121. Although the restriction requirement is traversed for the reasons discussed below, Applicants elect the claims set forth in Group II, claims 10-18, for examination.

Inventors: Huse and Freedman
Serial No.: 09/169,048
Filed: October 8, 1998
Page 3

Applicants respectfully submit that examination of the claims of Group II with the claims of Group I, claims 1-9 together, would not present an undue burden upon the Examiner. Applicants submit that a thorough examination of the claims of Group II, which are directed to methods of determining binding of a ligand to one or more receptors, will include an examination of the claims of Group I, which are directed to methods of determining binding of a receptor to one or more ligands. This is further indicated by the classification of the claims of Groups I and II in the same class (class 435). In particular, the specification teaches that a "receptor" is a molecule capable of binding a ligand (page 5, lines 28-32). The specification also teaches that a "ligand" is a molecule that can selectively bind to a receptor (page 8, lines 7-13). Thus, a receptor and ligand are binding partners. Accordingly, a search of the claims of Group II will, of necessity, reveal information relevant to the examination of the claims of Group I. Therefore, thorough examination of the claims of Group II will encompass examination of subject matter relevant to the claims of Group I, with limited additional subject matter required for the examination of these claims. For these reasons, Applicants respectfully submit that examining these claims together would not present an undue burden upon the Examiner and request examination of the claims of Group II together with the claims of Group I.

Applicants appreciate Examiner Garcia's time and helpful discussion with Applicants' representative held in the telephone conversation on August 28, 2000, and the Examiner's


Inventors: Huse and Freedman
Serial No.: 09/169,048
Filed: October 8, 1998
Page 4

indication that she would call Applicants' representative to discuss the traversal upon consideration of the present response.

Applicants elect the claims of Group II, claims 10-18, for examination but respectfully request the Examiner examine the claims of Group I, claims 1-9, together. The Examiner is invited to call the undersigned agent or Cathryn Campbell if there are any questions.

Respectfully submitted,

August 28, 2000
Date


Deborah L. Cadena
Registration No. 44,048
Telephone No.: (858) 535-9001
Facsimile No.: (858) 535-8949

CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
Suite 700
San Diego, California 92122
USPTO CUSTOMER NO. 23601